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18 FACEBOOK, INC.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION  
15

16 MAXIMILIAN KLEIN and SARAH GRABERT,  
17 individually and on behalf of all others similarly  
18 situated,

19 Plaintiffs,

20 v.

21 FACEBOOK, INC., a Delaware Corporation  
22 headquartered in California,

23 Defendant.

Case No. 5:20-cv-08570-LHK

**DEFENDANT FACEBOOK, INC.'S  
MOTION TO SHORTEN TIME FOR  
HEARING OF FACEBOOK'S  
MOTION TO STAY**

Judge: Hon. Lucy H. Koh

Pursuant to Civil Local Rule 6-3, Defendant Facebook, Inc. (“Facebook”) moves to shorten time for the Court to hear Facebook’s Motion to Stay (Dkt. No. 38).

The first available hearing date for Facebook’s motion was May 20, 2021. Under the current schedule, Facebook’s response to the complaint is due on February 16, 2021. *See* Dkt. No. 27. Accordingly, Facebook asks this Court to hear the motion to stay the week of February 1, 2021. Facebook is also willing to forego argument and submit its motion on the papers. Facebook also asks that Plaintiffs’ opposition to Facebook’s motion to stay be due on January 27, 2021 and that Facebook’s reply be due on January 29, 2021.

**The Underlying Motion To Stay.** As detailed in Facebook’s motion to stay, this case should be stayed pending the rulings on the relation motions involving this case and pending a Case Management Conference and Case Management Order. *See* Dkt. No. 38. Absent such a stay, Facebook may be required to respond to the complaint before various issues pertaining to potentially related cases have been resolved, wasting Facebook’s and the Court’s time. *Id.*

**Defendants’ Present Administrative Request Is Reasonable.** Facebook does not wish to obstruct the progress of these cases. Rather, Facebook seems to streamline the proceedings by having various relation motions determined before it must respond to the complaint, which may be refiled in another court and/or in consolidated fashion. In order for that to happen, Facebook’s motion to stay must be heard before those responses are due.

The time for Facebook to respond to the complaint has previously been extended by stipulation. *See* Dkt. No. 27. And because no case schedule has yet been set in this action, Plaintiffs will not be prejudiced by the narrow relief requested by this motion.

**Plaintiff’s Position.** Facebook has attempted to reach an agreement with Plaintiffs on the issues raised in this administrative motion. Plaintiffs indicated that they oppose this motion. Gringer Decl. ¶ 8.

\* \* \*

For the foregoing reasons, the Court should order that plaintiffs’ opposition to the motion to stay be filed January 27, 2021; that Facebook’s reply be filed January 29, 2021; and that the

1 motion be heard at a date convenient for the Court during the week of February 1, 2021 (unless  
2 the Court determines that the motion to stay can be decided on the papers).

3  
4 Dated: January 19, 2021

Respectfully submitted,

5  
6 By: /s/ Sonal N. Mehta  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of January 2021, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System.

/s/ Sonal N. Mehta  
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